

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.203

CRM-M-23907-2020

Date of decision: 27.05.2021

Mukesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0019 dated 14.02.2020 registered under Sections 328, 366, 376-D, 506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Women Police Station Narnaul, District Mohendergarh.

Briefly stated, the case of the prosecution is that the prosecutrix, a married woman, with two children, was standing at Narnaul bus stand; in the meanwhile, Roshan Lal Saini, who was known to her, on the pretext of getting the prosecutrix employment took her on his motorcycle to a house where four persons including the petitioner, under threat, gang raped her.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case; there is no other criminal case in which the petitioner is involved; the petitioner has been in custody since 13.02.2020; there is no medical evidence to support the allegations of gang rape; the prosecutrix while appearing before the Trial Court as a witness for the prosecution had deposed that she had consensual sex with the petitioner and that the petitioner's trial is likely to take a long time to conclude.

Learned State counsel while admitting to the fact that while appearing before the Trial Court the prosecutrix has turned hostile sought dismissal of the petitioner's bail on the ground that he is accused of having gang raped the prosecutrix.

The petitioner has been in custody since 13.02.2020; there is no other criminal case in which he is involved; the prosecutrix while appearing before the Trial Court has specifically deposed that she had sex with the petitioner with her consent and the petitioner's trial is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Narnaul, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

May 27, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No